

J. D. W. asks the Utah Labor Commission to reconsider its prior decision dismissing Mr. W.'s motion for review of Judge Marlowe's denial of Mr. W.'s claim for benefits under the Utah Occupational Disease Act ("the Act"; Title 34A, Chapter 3, Utah Code Annotated).

The Labor Commission exercises jurisdiction over this matter pursuant to Utah Code Ann. §63-46b-13.

BACKGROUND AND DISCUSSION

In his original motion for review, Mr. W. argued Judge Marlowe erred in dismissing his claim. However, because Mr. W. failed to file his motion for review within the time limits established by the Utah Administrative Procedures Act, the Commission concluded that it lacked jurisdiction to consider the merits of Mr. W.'s motion for review. Mr. W. now asks the Commission to reconsider its decision, but he has not addressed the timeliness issue. Consequently, the Commission finds no basis to modify its prior decision.

ORDER

The Commission reaffirms its prior decision and denies Mr. W.'s request for reconsideration. It is so ordered.

Dated this 18th day of October, 2005.

R. Lee Ellertson, Commissioner